



referenced in this Complaint, in the State of Georgia and within this judicial district and division.

### **THE PARTIES**

4. Plaintiff Tech Data Corporation (“Tech Data”) is a corporation organized under the laws of the State of Florida with its principal office and place of doing business at 5301 Tech Data Drive, Clearwater, Florida 33760.

5. Defendant CPD Mobile, LLC, d/b/a United Mobile Solutions (“CDP Mobile”), is a Georgia limited liability company with its principal office and place of doing business at 6135 Jimmy Carter Boulevard, Suite G, Norcross, Georgia 30071. Upon information and belief, CDP Mobile has no members who are citizens of the State of Florida. Rather, on information and belief, its members are all citizens of the State of Georgia.

6. Defendant CDP Mobile may be served with process by delivery to its registered agent, Kil W. Lee, at 6135 Jimmy Carter Boulevard, Suite G, Norcross, Georgia 30071.

7. Defendant Kil W. Lee (“Lee”) may be served with process either by delivery to him personally at 6135 Jimmy Carter Boulevard, Suite G, Norcross, Georgia 30071, or by delivery to him at his residence address, 3610 Hedge Arbor Court, Suwanee, Georgia 30024.

### **STATEMENT OF FACTS**

8. On October 10, 2014, Defendants executed the contract and personal guaranty, copy of which is attached hereto and marked Exhibit A.

9. Pursuant to the contract and personal guaranty, Defendants jointly and severally owe Plaintiff \$821,051.32 principal, as set forth on Plaintiff’s statement of account, copy of which is attached hereto as Exhibit B.

10. As documented by the statement of account, Defendants purchased cell phones and related equipment from Plaintiff. The goods purchased by Defendants are itemized on the Plaintiff’s invoices to Defendant CPD Mobile, true copies of which are attached hereto as Exhibit C.

11. Plaintiff’s bills of lading showing delivery of the goods to Defendant CPD Mobile are attached hereto as Exhibit D.

12. Additionally, under the contract and personal guaranty, Defendants owe Plaintiff 18% *per annum* interest from and after July 20, 2015, on the \$821,051.32 principal, or, \$404.90 *per diem*. Interest owing on the principal as of the date of the filing of this Complaint, November 23, 2015, is \$51,422.56.

13. By the contract and guaranty, Defendants promised to pay Plaintiff all principal and interest due and owing, plus all costs of collection including reasonable attorneys' fees, should Plaintiff utilize an attorney to collect amounts due under the contracts.

14. Service of this Complaint on Defendants constitutes notice as provided in O.C.G.A. § 13-1-11 that the provisions of the contract and personal guaranty relative to payment of attorneys' fees, in addition to principal and interest, shall be enforced, and Defendants have ten (10) days from the date of service of this Complaint and notice to pay the principal and interest without attorneys' fees.

### **COUNT I**

15. Plaintiff incorporates herein by reference paragraphs 1 through 14, above.

16. Under the contract and statement of account, Defendant CPD Mobile, LLC, d/b/a United Mobile Solutions owes Plaintiff \$821,051.32 principal, \$51,422.56 pre-judgment interest as of November 23, 2015, \$87,247.39 attorneys' fees, plus court costs. Said Defendant also owes Plaintiff additional interest at the daily rate of \$404.90 from and after November 23, 2015.

## **COUNT II**

17. Plaintiff incorporates herein by reference paragraphs 1 through 16, above.

18. Pursuant to his personal guaranty and the statement of account, Defendant Kil W. Lee owes Plaintiff \$821,051.32 principal, \$51,422.56 pre-judgment interest as of November 23, 2015, \$87,247.39 attorneys' fees, plus court costs. Said Defendant also owes Plaintiff additional interest at the daily rate of \$404.90 from and after November 23, 2015.

***WHEREFORE***, Plaintiff demands judgment against Defendants, jointly and severally, for \$821,051.32 principal, \$51,422.56 pre-judgment interest as of November 23, 2015, additional pre-judgment interest at the daily rate of \$404.90

from and after November 23, 2015, \$87,247.39 attorneys' fees, plus court costs and post-judgment interest at the rate of 18% *per annum* on the principal amount.

This 23rd day of November, 2015.

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

TECH DATA CORPORATION.

Plaintiff,

VS.

CPD MOBILE, LLC, d/b/a  
UNITED MOBILE SOLUTIONS,  
and KIL W. LEE,

Defendants.

## CIVIL ACTION

FILE NO.

## CERTIFICATION

The undersigned certifies that this Complaint has been prepared in Times  
New Roman 14.5-point font in compliance with Local Rule 5.1(B).

This 23rd day November, 2015.

STOKES CARMICHAEL &amp; ERNST LLP

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